

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2012-12

### A RESOLUTION APPROVING AND RATIFYING A BID AND AWARDING A CONSTRUCTION CONTRACT TO NOLAND & SON CONSTRUCTION COMPANY, INC. (2300 EAST STORM DRAIN PROJECT)

**WHEREAS**, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 13 March 2012 to consider, among other things, (a) approving and ratifying the City's acceptance of an \$142,097 bid from Noland & Son Construction Company, Inc. ("*Contractor*") for the 2300 East storm drain project under the City's project no. CHC.218 (the "*Project*"); and (b) authorizing the City's entry into an agreement for such construction services (the "*Agreement*") with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney, a draft copy of which is annexed as an exhibit hereto; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City's acceptance of Contractor's bid for the Project and to authorize the City's entry into the Agreement with Contractor as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of Cottonwood Heights that the Council hereby (a) approves and ratifies the City's acceptance of Contractor's bid for the Project, and (b) authorizes the City's entry into the Agreement with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney.

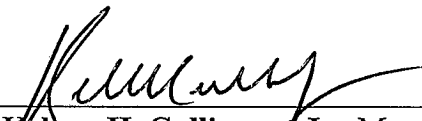
This Resolution, assigned no. 2012-12, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 13<sup>th</sup> day of March 2012.

**COTTONWOOD HEIGHTS CITY COUNCIL**



Linda W. Dunlavy, Recorder

By   
Kelvin H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 13<sup>th</sup> day of March 2012.

**RECORDED** this \_\_\_ day of March 2012.

574920.1

## SECTION 00500

### AGREEMENT

THIS AGREEMENT, made this 14<sup>th</sup> day of March, 2012, by and between COTTONWOOD HEIGHTS, UTAH, hereinafter called "OWNER" and Noland & Son Construction Company, Inc. doing business as A Corporation, hereafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete construction of the "STORM DRAIN PROJECT ALONG 2300 EAST STREET, FROM 6710 SOUTH STREET TO SUNDOWN AVENUE (6830 SOUTH) --- PROJECT # CHC.218".
2. The CONTRACTOR will furnish all of materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECTS described herein.
3. The CONTRACTOR will commence the work required by CONTRACT DOCUMENTS within ten (10) calendar days after the date of the NOTICE TO PROCEED; and will complete the same within FORTY-FIVE (45) calendar days after the date of the NOTICE TO PROCEED; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum as shown in the BID schedule.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
  - (A) SECTION 00100 - INVITATION TO BID
  - (B) SECTION 00200 - INSTRUCTIONS TO BIDDERS
  - (C) SECTION 00250 - ADDITIONAL INSTRUCTIONS TO BIDDERS
  - (D) SECTION 00260 - CONTRACTOR'S QUALIFICATION AND EXPERIENCE AFFIDAVIT
  - (E) SECTION 00410 - BID
  - (F) SECTION 00420 - BID SCHEDULE
  - (G) SECTION 00450 - BID BOND
  - (H) SECTION 00500 - AGREEMENT
  - (I) SECTION 00510 - PAYMENT BOND (100 PERCENT)
  - (J) SECTION 00520 - PERFORMANCE BOND (100 PERCENT)
  - (K) SECTION 00530 - NOTICE OF AWARD
  - (L) SECTION 00540 - NOTICE TO PROCEED
  - (M) SECTION 00560 - CHANGE ORDER
  - (N) SECTION 00570 - NOTICE OF SUBSTANTIAL COMPLETION

- (O) SECTION 00580 - NOTICE OF COMPLETION
- (P) GENERAL CONDITIONS
- (Q) SUPPLEMENTAL GENERAL CONDITIONS
- (R) SPECIFICATIONS prepared and issued by GILSON ENGINEERING, INC., Consulting Engineers, dated FEBRUARY, 2012.
- (S) DRAWINGS prepared by Gilson Engineering, Consulting Engineers (See enumeration in Supplemental General Conditions)
- (T) ADDENDA:
  - No. 1, dated February 16, 2012.
  - No. 2, dated February 21, 2012.
  - No. 3, dated February 22, 2012.

6. The OWNER will pay to the CONTRACTOR, in the manner and at such times as set forth in the General Conditions, such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) copies, each of which shall be deemed an original on the date first above written.

OWNER:

COTTONWOOD HEIGHTS

BY \_\_\_\_\_

NAME KELVYN CULLIMORE  
(Please Type)

TITLE MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
NAME LINDA DUNLAVY  
(Please Type)

TITLE CITY RECORDER

CONTRACTOR:

Noland & Son Construction Company, Inc.

BY \_\_\_\_\_

NAME Kathleen Noland-Dotson  
(Please Type)

ADDRESS 1350 West 7900 South

West Jordan, Utah 84088

(SEAL)

ATTEST:

\_\_\_\_\_  
NAME \_\_\_\_\_  
(Please Type)

TITLE \_\_\_\_\_